



DEPARTMENT OF THE NAVY  
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION  
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PATUXENT RIVER, MARYLAND 20670-1161

NAVAIRWARCENACDIVINST 12752.1 CH-2  
730000A  
OCT 10 2003

NAVAIRWARCENACDIV INSTRUCTION 12752.1 CHANGE TRANSMITTAL 2

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: FURLOUGH OF CIVIL SERVICE EMPLOYEES

Encl: (1) Revised Enclosure (1), page 2

1. Purpose. To transmit enclosure (1) which revises the documentation process.

2. Action. Replace page 2 of enclosure (1) of the basic instruction with enclosure (1) of this transmittal.

  
T. L. HEELY

Distribution:  
Level 1/2/3/4 Competency Heads  
NAVAIRWARCENACDIV Lakehurst  
CONAS Patuxent River

CH-1 of 7 April 1999



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NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION  
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NAVAIRWARCENACDIVINST 12752.1 CH-1  
~~AD730000A~~ 732000A  
SEP 22 1994

NAVAIRWARCENACDIV INSTRUCTION 12752.1 CHANGE TRANSMITTAL 1

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: FURLOUGH OF CIVIL SERVICE EMPLOYEES

1. Purpose. To transmit change 1 to the basic instruction.
2. Action. Make the following pen and ink change: On page 3 of enclosure (1), paragraph 7, line 4, change 64 to 32.

  
BARTON D. STRONG

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CH-2 OF 9 April 1999  
CH-1 OF 22 Sep 1994

NAVAIRWARCENACDIVINST 12752.1  
~~AD05~~ 732000A

JUL 12 1994

NAVAIRWARCENACDIV INSTRUCTION 12752.1

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: FURLOUGH OF CIVIL SERVICE EMPLOYEES

Ref: (a) Title 5 CFR 752

Encl: (1) Procedures for Effecting Furloughs  
(2) Relationship of Furloughs to Basic Employee Benefits  
(3) Alternative Approaches to Reducing Personnel Expenditures

1. Purpose. To state command policy regarding the procedures to be followed in the event it becomes necessary to furlough civil service employees under adverse action procedures. Enclosures (1) through (3) provide detailed guidance.

2. Background. A furlough is the placing of an employee in a temporary nonpay, nonduty status because of lack of work or funds, or other nondisciplinary reasons. Proposing and effecting furloughs of up to 22 workdays is intended to provide activities with flexibility to meet changing circumstances. Furloughs of 22 workdays (30 calendar days) or less are covered by reference (a). Furloughs in excess of 22 workdays or 30 calendar days are effected by using reduction-in-force procedures.

3. Scope. The provisions of this instruction apply to civilian employees of the NAVAIRWARCENACDIV and fleet/tenant activities receiving personnel services from the Human Resources Office. (Furloughs of Senior Executive Service career appointees are covered by 5 USC 3395a and 5 CFR 359 Subpart H.)

4. Responsibilities

a. The level of officials who propose and effect furlough actions will be the same as the level of officials authorized to propose and effect adverse actions.

(1) Deciding officials will notify employees of their right to appeal a furlough action to the Merit Systems Protection Board or grieve the matter under a negotiated grievance procedure.

(2) Any designated oral reply official must have the authority to make a recommendation to the deciding official as to the proper disposition of the case.

**JUL 12 1994**

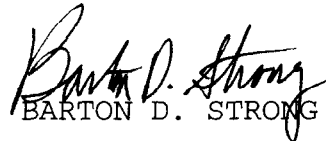
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(3) The deciding official, or designated oral reply official, must develop and maintain a summary of the employee's oral reply. Such summary will become part of any subsequent appeal file.

b. Employees are responsible for filing timely appeals with the Merit Systems Protection Board or timely grievances under the appropriate labor agreement.

c. Representatives of the Human Resources Office are responsible for assisting management officials in preparing proposed and final notices of furlough, preparing documentation for the official personnel folders of affected employees, providing employees with copies of Standard Form 8, and ensuring that the procedural requirements of enclosure (1) are met.

5. Review. The Director, Human Resources Office shall review this instruction annually and make revisions as necessary.

  
BARTON D. STRONG

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List I

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### PROCEDURES FOR EFFECTING FURLOUGHS

1. The activity must make the best determination it can, based on available information, to determine the number of furlough days required. Before making a decision to furlough, activities should first consider the available cost saving measures identified in enclosure (3).

2. Discontinuous furloughs may be advantageous to both employees and the activity by distributing furlough days over a period of time. Such approach will minimize the financial impact on employees and lessen the disruption to support of the nation's defense.

### 3. Procedural Rights

a. Generally, employees will receive at least 30 calendar days advance notice stating the reason for the proposed furlough. However, 5 CFR 752.404(d)(2) states that neither advance written notice nor an opportunity to reply are necessary for a furlough due to unforeseen circumstances such as sudden equipment breakdown, acts of God, or sudden emergencies requiring an immediate curtailment of activities.

b. When some, but not all, employees in a given competitive level are subject to furlough, the advance notice shall state the basis for selecting a particular employee for furlough, as well as the reasons for the proposed furlough.

c. It may be impractical to state the specific number of days in the proposal. The proposed notice must state, however, the maximum number of workdays or calendar days on which the employee may be furloughed. The employee needs to know the potential impact of the furlough when deciding whether or not to present a reply.

d. Other than in an unforeseen circumstance, employees will be given 7 calendar days in which to furnish an oral and/or written reply to the proposed notice and to furnish documentary evidence in support of the reply.

e. An employee has the right to designate a representative of his/her own choosing to assist in preparing and/or presenting the reply. An employee's choice of representative may be disallowed if the representative's activities would cause a conflict of interest or position, or if the representative's release from his/her official position would create unreasonable costs to the employing activity, or if the representative's priority work assignments preclude his/her release.

Enclosure (1)

f. The employee will receive a reasonable amount of official time to review the material relied upon to support the proposed furlough, consult with his/her representative, and prepare and present a written and/or oral reply.

g. Following the employee's reply, or the expiration of the reply period, the deciding official will provide the employee with a written decision containing specific reasons for the decision. The decision will also include any appeal and grievance rights to which the employee is entitled.

h. Whenever practical, the decision should advise the employee of the specific number of work or calendar days on which the furlough will occur. If such specificity is impractical, the decision should place the employee on notice of the maximum number of furlough days that could be served. This information will assist the employee in determining whether to appeal or grieve the action.

#### 4. Documentation of the Furlough

a. The Human Resources Office (HRO)/Human Resources Service Center (HRSC) must ensure appropriate documentation of the Furlough and Return to Duty actions is prepared and filed in each impacted employee's Official Personnel Folder (OPF).

b. If the specific dates of the furlough are known when the Furlough Action is prepared, these dates must be shown in the remarks section of the personnel action documentation.

c. If the specific dates are not known, HRO must prepare a Correction Action with remarks documenting the total number of days or hours of the furlough when they are known.

d. If the total number of days for a furlough action is increased, an Extension of Furlough action must be prepared.

e. A personnel action is necessary only for return from a consecutive furlough, not a discontinuous furlough.

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5. Employees working on reimbursable details outside their employing activity are not affected as long as the reimbursement continues.

6. When scheduling a furlough for an employee working a compressed work schedule, an activity must ensure that an employee is scheduled to be furloughed on a date he/she otherwise is scheduled to work. The length of the furlough day is the same as the length of the employee's regular workday under the compressed work schedule (e.g., 9 hours for an employee scheduled to work a 9-hour day under a 5-4/9 compressed work schedule).

7. When scheduling part-time employees' furlough days, it is appropriate to compute their furlough days based on the same proportion used to schedule full-time employees, based on their work schedule (e.g., if part-time employee works ~~36~~<sup>30</sup> hours a week, or 80% of a regular work week, the part-time employee should be furloughed for 80% of the days comparable full-time employees will be furloughed).

8. Intermittent employees are non part-time employees without a regularly scheduled tour of duty. Management has the discretion not to call such employees to work during a period of time in which furloughs are scheduled.

9. An activity may not accept voluntary services of an employee during a furlough period, including situations in which an employee wishes to earn compensatory time-off for religious purposes.

10. If an employee otherwise subject to furlough is in a leave without pay (LWOP) status, and there is no expectation that the employee will return to duty on the expected furlough days, it is not necessary to cancel the employee's LWOP. However, if the employee may potentially return to duty during the period of LWOP, the agency may propose to furlough the employee during the period of LWOP, and cancel the LWOP during the period of furlough.

11. Activities may allow employees to elect LWOP voluntarily in lieu of furlough days.

12. Pay Cap. For members or former members of the uniform service subject to a pay cap, a copy of the furlough notice, and any return to duty notice, must be sent to the appropriate uniformed service finance center. Days spent in a nonpay status will affect the employees' retirement pay. Any notice sent must contain the employees' social security number and date of birth to ensure proper adjustment of retirement pay.

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RELATIONSHIP OF FURLOUGHS TO BASIC EMPLOYEE BENEFITS

1. Absent conflict of interest restrictions, employees are free to accept other employment outside of the Federal government while in a furlough status. Conflict of interest restrictions are found in 5 CFR 2635 Subpart H. An employee may contact an attorney in the Office of Counsel to get an advisory opinion in any situation in which they are unsure whether the outside employment is prohibited.

2. A furlough does not constitute a break in service. Nonpay status due to a furlough affects employees' benefits and tenure as follows:

a. For career tenure, the first 30 calendar days of each nonpay period is creditable service.

b. For completion of a probationary period, an aggregate of up to 22 workdays in a nonpay status is creditable service.

c. For time-in-grade requirements, nonpay status is creditable service.

d. For retirement purposes, an aggregate of up to 6 months in a nonpay status per calendar year is creditable.

e. For purposes of health benefits, the government contribution continues while an employee is in a nonpay status. The employee can either reimburse the government for his/her share of the premium on a current basis or allow the premiums to accumulate and pay them via payroll withholding when they return to duty.

f. For life insurance, enrollment continues during the furlough period at no cost to the employee.

g. For General Schedule within-grade increases, nonpay status is creditable as follows:

(1) up to 2 workweeks for steps 2, 3, and 4;

(2) up to 4 workweeks for steps 5, 6, and 7;

(3) up to 6 workweeks for steps 8, 9, and 10.

h. For prevailing rate employees, nonpay status is creditable at the rate of 1 workweek for step 2, 3 workweeks for step 3, and 4 workweeks for steps 4 and 5.

Enclosure (2)



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i. For purposes of annual and sick leave accumulation, for each 80 hours of nonpay status full-time employees accumulate during the leave year, their annual and sick leave balances will be reduced by the number of hours accrued during a pay period.

j. For severance pay, nonpay status is fully creditable for the 12-month continuous employment period and the computation of severance pay.

3. Employees may be furloughed for periods of time that include holidays. However, the furlough period in question should be justified on grounds unrelated to the fact that the period includes a holiday. It is improper to furlough an employee solely on a holiday. If an employee is furloughed on the last workday prior to or the first workday following the holiday, the employee is entitled to holiday pay.

4. An activity may deny requests, or cancel previously approved requests, for annual, sick, or military leave falling on days coinciding with proposed days of furlough.

5. Employees receiving continuation of pay remain in that status during furlough periods falling within the period of continuation of pay.

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ALTERNATIVE APPROACHES TO REDUCING PERSONNEL EXPENDITURES

1. Freeze or limit hiring.
2. Freeze or limit promotions.
3. Separate temporary employees.
4. Furlough temporary employees.
5. Limit discretionary performance awards.
6. Request employees to volunteer for leave without pay.
7. Reduce overtime expenditures.
8. Use compensatory time off in lieu of overtime wherever authorized.
9. Delay employee training.
10. Restrict employee attendance at seminars, etc.

Enclosure (3)